

**FEDERAL COMMUNICATIONS COMMISSION**  
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December 22, 2009

Matthew H. McCormick, Esq.  
Fletcher, Heald & Hildreth, P.L.C.  
1300 North 17th Street, 11th Floor  
Arlington, Virginia 22209-3801

Re: WCGC(AM), Belmont, North Carolina  
Facility Identification Number: 27218  
WHVN, Inc.  
Special Temporary Authorization

Dear Mr. Begley:

This is in reference to the request filed December 18, 2009, on behalf of WHVN, Inc. ("HVN"). HVN requests special temporary authority ("STA") to operate Station WCGC with a temporary nondirectional antenna and reduced power.<sup>1</sup> In support of the request, HVN states that STA is necessary to facilitate installation of diplexed facilities for Station WZGV at the WCGC site.

Our review indicates that the requested STA operation complies with the technical provisions of Section 73.1615, which governs operation during modification of facilities. However, directional operation, to the greatest extent possible during the construction work, is less likely to cause interference to other stations than nondirectional operation. STA is granted to specify use of a directional antenna, with parameters at variance and/or reduced power while maintaining monitor points within licensed limits, as the preferred mode of operation.

Accordingly, the request for STA IS HEREBY GRANTED. Station WCGC may operate with parameters at variance and/or reduced power while maintaining monitor points within licensed limits. Operation with a temporary nondirectional antenna and reduced power not to exceed 2.5 kilowatts daytime and 0.125 kilowatt nighttime also is authorized, only as necessary to facilitate the planned antenna construction. It will be necessary to further reduce power or cease operation if complaints of interference are received. HVN must notify the Commission when licensed operation is restored.<sup>2</sup> HVN must use whatever means are necessary to protect workers and the public from exposure to radio frequency radiation in excess of the Commission's exposure guidelines. *See* 47 CFR § 1.1310.

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<sup>1</sup> WCGC is licensed for operation on 1270 kHz with 5 kilowatts daytime and 0.5 kilowatt nighttime, employing different directional antenna patterns daytime and nighttime (DA-2-U). Construction Permit BP-20020614AAZ authorizes an increase in the daytime operating power to 10 kilowatts.

<sup>2</sup> *See* 47 CFR §§ 73.45(c), 73.51, 73.54, 73.61(b).

This authority expires on **June 22, 2010**.

**STA Advisory:** Section 309(f) of the Communications Act of 1934, as amended, authorizes the Commission to grant STA in cases of "extraordinary circumstances requiring temporary authorizations in the public interest and when delay in the institution of the temporary operations would seriously prejudice the public interest." However, Section 309(f) is not a means by which a licensee/permittee may circumvent established processing procedures which require the filing of an application, nor is it a means by which a broadcaster may enhance his facility or make operation more convenient for the broadcaster. Stations operating with less than licensed facilities under temporary authorities can be viewed as receiving the benefit of a larger protection area than that in which they are currently providing service.

Accordingly, Special Temporary Authorities by nature are to be temporary and are not intended for extended use. Licensees of stations operating under temporary authorities are reminded that timely restoration of permanent facilities is the responsibility of the licensee and should be undertaken expeditiously. Any request for extension of special temporary authorities carries an increased burden with each subsequent request.

Therefore, requests for extension of STA will be granted only where the licensee can show that one or more of the following criteria have been met:

- Restoration of licensed facilities is complete and testing is underway;
- Substantial progress has been made during the most recent STA period toward restoration of licensed operation; or
- No progress has been made during the most recent STA period for reasons clearly beyond the licensee's control, and the licensee has taken all possible steps to expeditiously resolve the problem.

Sincerely,

A handwritten signature in blue ink, appearing to read "Charles N. Miller", with a long horizontal flourish extending to the right.

Charles N. Miller, Engineer  
Audio Division  
Media Bureau

cc: WHVN, Inc.